

Docket No.: 050070-0103

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hideto BABA, et al.

Application No.: 10/552,035

Filed: October 03, 2005

For: INSTRUMENT DEVICE



Customer Number: 20277

Confirmation Number: 6881

Group Art Unit: Not yet assigned

Examiner: Not yet assigned

REQUEST FOR OFFICIAL FILING RECEIPT

Mail Stop OFR  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-referenced patent application was filed in the U.S. Patent and Trademark Office on October 3, 2005, as evidenced by the attached copies of the return receipt postcard and Transmittal Letter. To date, the undersigned has not received an Official Filing Receipt regarding this application.

It is respectfully requested that the undersigned be furnished with an Official Filing Receipt as soon as possible.

Respectfully submitted,

McDERMOTT WILL &amp; EMERY LLP

Stephen A. Becker  
Registration No. 26,527

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 SAB:jjz  
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**Date: January 4, 2007**

**Please recognize our Customer No. 20277  
as our correspondence address.**



Applicant: <u>Hidetō BABA, et al.</u>		Docket No. <u>050070-0103</u>		Serial No. <u>10/552035</u> Not yet assigned	
Title: <u>INSTRUMENT DEVICE</u>					
Date Sent: <u>10/3/2005</u>	<input checked="" type="checkbox"/> Hand Carried	<input type="checkbox"/> Fax	<input type="checkbox"/> Electronic	<input type="checkbox"/> Cert. of Mailing	<input type="checkbox"/> 1st Class Mail
Transmittal Letter <input type="checkbox"/> New Patent App <input type="checkbox"/> Utility <input type="checkbox"/> Design <input type="checkbox"/> Cont. <input type="checkbox"/> CIP <input type="checkbox"/> Div. <input checked="" type="checkbox"/> PCT <input type="checkbox"/> RCE <input type="checkbox"/> Prov					
Other: <u>14</u> pages of Specification					
<u>4</u> pages of Claims					
<u>1</u> pages of Abstract					
<u>2</u> pages of Formal Drawings					
<input type="checkbox"/> Small Entity <input checked="" type="checkbox"/> Large Entity					
<input checked="" type="checkbox"/> Declaration/Power of Attorney					
<input checked="" type="checkbox"/> Recommendation of Assignment					
<input checked="" type="checkbox"/> Information Disclosure Statement					
<u>1</u> Form PTO 1449					
<u>6</u> copies of cited references					
<input checked="" type="checkbox"/> Preliminary Amendment					
<input type="checkbox"/> Response to Missing Parts Notice					
<input type="checkbox"/> Resp. to Notice to Correct App. Papers					
<input type="checkbox"/> Certified Copy of Priority Doc.					
<input type="checkbox"/> Claim for Convention Priority					
<input type="checkbox"/> Response/Amendment to Office Action of					
Request for <u>month</u> Extension of Time					
<b>JC03 Rec'd PCT/PTO 03 OCT 2005</b>					
Check for \$	<input checked="" type="checkbox"/> Change Deposit Act. 500417	\$ <u>1140.00</u>	Atty Init	SAB	Typr. # <u>4233</u>
CMS Descrip.: <u>1-300.00 3-200.00 31-500.00</u>		<u>32-200.00</u>	<u>4-40.00</u>	EARLY SERIAL NUMBER	
THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS CHECKED ABOVE WERE RECEIVED BY THE PTO ON THE DATE STAMPED.					

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

050070-0103

U.S. APPLIC. NO. (if known, see 37 CFR 1.5)  
Not yet assigned

INTERNATIONAL APPLICATION NO  
PCT/JP2004/005518

INTERNATIONAL FILING DATE  
April 16, 2004

PRIORITY DATE CLAIMED  
April 25, 2003

TITLE OF INVENTION  
INSTRUMENT DEVICE

APPLICANTS FOR DO/EO/US  
Hideto BABA, Atsushi FUJITA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not transmitted by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendment has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English translation of the International Application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information.
  - 1) Front page of International Application
  - 2) International Search Report

U.S. APPLIC. NO. (if known, see 37 CFR 1.50) Not yet assigned		INTERNATIONAL APPLICATION NO. PCT/JP2004/005518		ATTORNEY'S DOCKET NUMBER 050070-0103	
				<b>CALCULATIONS</b>	PTO USE ONLY
21. <input checked="" type="checkbox"/> The following fees are submitted:					
<input checked="" type="checkbox"/> Basic National Stage Fee		\$300		\$300.00	
22. <input checked="" type="checkbox"/> Examination Fee					
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)			\$100	\$200.00	
All other situations			\$200		
23. <input checked="" type="checkbox"/> Search Fee					
Search fee (37 CFR 1.445(1)(2)) has been paid on the international application to the USPTO as an International Searching Authority			\$100	\$400.00	
International Search Report prepared and provided to the Office			\$400		
All other situations			\$500		
<b>TOTAL OF 21, 22 and 23 =</b>				<b>\$900.00</b>	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$0	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction Thereof (round up to a whole number)	RATE		
21-100	0/50=	0	X\$250	\$0	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	8-20 =	0	x \$50.00	\$0	
Independent Claims	4-3 =	1	x \$200.00	\$200.00	
Multiple dependent claim(s) (if applicable)			+ \$360.00	\$0	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1100.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$0	
<b>SUBTOTAL =</b>				<b>\$1100.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than the 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$
<b>TOTAL NATIONAL FEE =</b>				<b>\$1100.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$40.00
<b>TOTAL FEES ENCLOSED =</b>				<b>\$1140.00</b>	
				Amount to be refunded	\$
				Amount to be charged	\$1140.00
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>500417</u> in the amount of \$ <u>1140.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>500417</u>. A duplicate copy of this sheet is enclosed.</p> <p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b></p> <p>SEND ALL CORRESPONDENCE TO:  <b>Customer Number 20277</b>  Telephone: 202.756.8000  Facsimile: 202.756.8087</p> <div style="text-align: right;"> October 3, 2005  DATE  SIGNATURE  Stephen A. Becker  NAME  26,527  REGISTRATION NUMBER </div>					

BASED ON FORM PTO-1390 (Rev. 2-2005)